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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mieher, et al.

Attorney Docket No.:
KLA1P117X1A/P1151/2

Application No.: 10/785,396

Examiner: Unassigned

Filed: February 23, 2004

Group: 2877

Title: APPARATUS AND METHODS FOR
DETECTING OVERLAY ERRORS USING
SCATTEROMETRY

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on August 13, 2004 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Signed: _____

Natalie Morgan

INFORMATION DISCLOSURE STATEMENT
37 CFR §§1.56 AND 1.97(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The references listed in the attached PTO Form 1449 copies of which are enclosed, may be material to the examination of the above-identified patent application. These references were cited in a corresponding EPC application. A copy of the European Search Report which was dated May 26, 2004 is enclosed herewith as well. These references are submitted in compliance with the applicant's duty of disclosure pursuant to 37 CFR §§1.56 and 1.97. Accordingly, the Examiner is requested to make these citations official record in this application.

This Information Disclosure Statement is not to be construed as a representation that additional information (material to the examination of this application) does not exist or that the enclosed reference(s) constitute prior art.

Statement under 37 CFR § 1.97(e)

The undersigned hereby states that the references enclosed herewith were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. (37 CFR 1.97(e)(1))

Accordingly, it is respectfully submitted that no fee is due in conjunction with the filing of this IDS. However, should the Commissioner determine that additional fees are required for

filing the present Information Disclosure Statement, the Commissioner is hereby authorized to charge any such fees to our deposit account number 500388 (Order No. KLA1P117X1A)

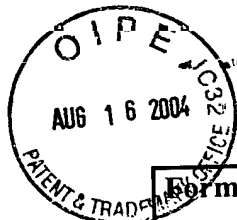
Respectfully submitted,

BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to read 'Mary Ramos Olynick', with a stylized, flowing script.

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| Form 1449 (Modified) Information Disclosure Statement By Applicant (Use Several Sheets if Necessary) | Atty Docket No. Application No.: KLA1P117X1A/P1151/2 10/785,396 Applicant: Mieher, et al. Filing Date Group February 23, 2004 2877 |
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U.S. Patent Documents

| Examiner Initial | No. | Patent No. | Date | Patentee | Class | Sub-class | Filing Date |
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| | B | 5,712,707 | 01/27/98 | Ausschnitt, et al. | 356 | 401 | 11/20/95 |
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| | D | US 2003/0223630A1 | 12/4/03 | Adel, et al. | 382 | 145 | 02/13/03 |
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| | G | | | | | | |
| | H | | | | | | |
| | I | | | | | | |

Foreign Patent or Published Foreign Patent Application

| Examiner Initial | No. | Document No. | Publication Date | Country or Patent Office | Class | Sub-class | Translation | |
|------------------|-----|---------------|------------------|--------------------------|-------|-----------|-------------|----|
| | | | | | | | Yes | No |
| | J | WO02/084213A1 | 24.10.2002 | WIPO | G01B | 11/00 | X | |
| | K | WO02/65545A2 | 22.08.2002 | WIPO | H01L | 21/66 | X | |
| | L | WO02/069390A2 | 06.09.2002 | WIPO | H01L | 21/66 | X | |
| | M | | | | | | | |
| | N | | | | | | | |

Other Documents

| Examiner Initial | No. | Author, Title, Date, Place (e.g. Journal) of Publication |
|------------------|-----|--|
| | O | |
| | P | |
| | Q | |
| Examiner | | Date Considered |

Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.